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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 09/832,093 | 04/11/2001 | Shigeo Ishikawa | Q64059 | 8684 |
| 7590 06/07/2005 SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037 | | | EXAMINER NGUYEN, KHIEM D | |
| | | | ART UNIT 2823 | PAPER NUMBER |
| DATE MAILED: 06/07/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,093

Applicant(s)

ISHIKAWA, SHIGEO

Examiner

Khiem D. Nguyen

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The rejection of the previous Office Action are withdrawn in view of the applicant's arguments. A new rejection is made as set forth in this Office Action. Claims (1-3, 5, and 8-11) are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (U.S. Pub. 2002/0160113).

In re claim 1, Li discloses a method of forming an oxide film, comprising the steps of:

(a) starting a supply of a reaction gas at a first flow rate into a chamber **18** in which a plasma is formed (page 3, paragraph [0024]), such that an initial film is formed on a center region of a wafer **20** via a first nozzle **56** provided on the chamber above the center region of the substrate (page 3, paragraph [0027]) and

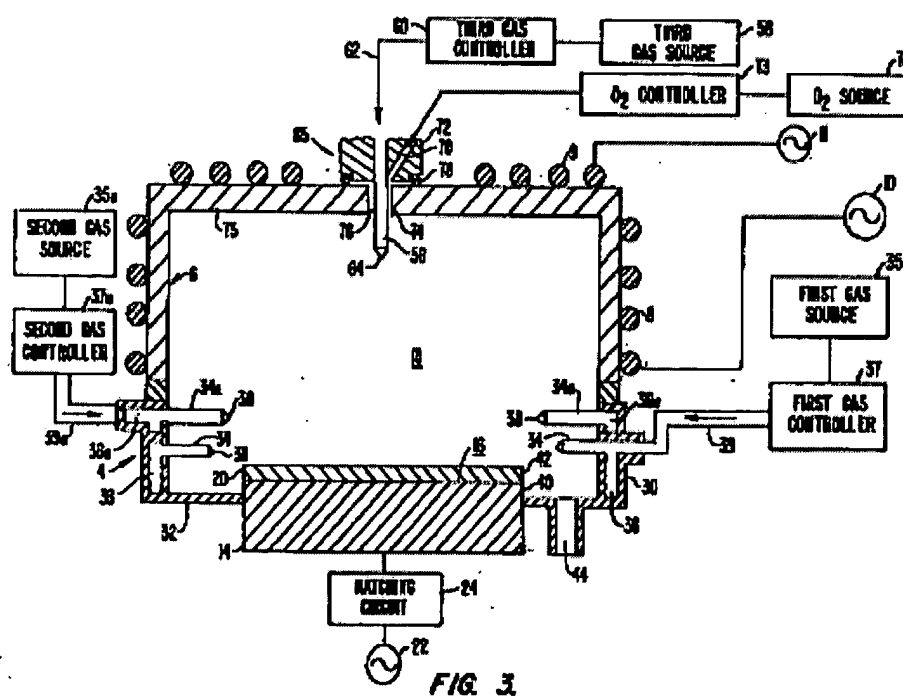
(b) starting a supply of the reaction gas at a second flow rate into the chamber in which the plasma is formed via second nozzle **34 and 34a** wherein the second nozzle are

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provided on side walls of the chamber above the wafer (page 3, paragraph [0025]), after the step (a), while the supply of the reaction gas at the first flow rate continues such that the oxide film is formed on the initial film (page 3, paragraph [0028], page 4, paragraphs [0035]-[0038] and **FIG. 3**), the first flow rate (36 sccm) being smaller than the second flow rate (44 sccm) (page 4, paragraph [0038]),

Nozzles (56 and 64) positioned over the center of the substrate 20 inherently producing the film on the center region, and

wherein the formation of the oxide film is initiated from the center region of the wafer in the above step (a), and the oxide film is formed on the whole of the wafer in step (b).



Li does not explicitly disclose that the step (b) is carried out 1 to 10 seconds after the step (a) is carried out as recited in the Applicant's claimed invention.

However, there is no evidence indicating the starting time range and the flow rate ranges is critical and it has been held that it is not inventive to discover the optimum or workable range of a result-effective variable within given prior art conditions by routine experimentation. See MPEP § 2144.05. Note that the specification contains no disclosure of either the critical nature of the claimed dimensions of any unexpected results arising there from. Where patentability is aid to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

In re claims 2 and 3, Li discloses the reaction gas is a compound gas containing Si and wherein the reaction gas is one of SiH₄ and SiF₄ (page 3, paragraph [0028]).

In re claim 5, Li does not explicitly disclose wherein the step (b) is carried out 1 to 10 seconds after the step (a) is carried out and wherein the first flow rate is in a range of one fifth to one tenth of the second flow rate. Also, note that there is no evidence indicating the starting time and the flow rate ranges is critical and it has been held that it is not inventive to discover the optimum or workable range of a result-effective variable within given prior art conditions by routine experimentation. See MPEP § 2144.05. Note that the specification contains no disclosure of either the critical nature of the claimed dimensions of any unexpected results arising there from. Where patentability is aid to be based upon particular chosen dimensions or upon another variable recited in a

claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

In re claim 8, Li discloses a method of forming an oxide film, comprising the steps of:

(a) forming an initial film from a center region of a wafer by supplying a reaction gas at a first flow rate, via a first nozzle **56** wherein the first nozzle is provided on the chamber **18** above a center of the wafer **20** (page 3, paragraph [0027]) in which a plasma is formed (page 3, paragraph [0024]), such that an initial film is formed on a center region of a wafer **20**, while a thickness of the film is equal to or thinner than 10 nm and

(b) forming the oxide film on the wafer, by starting to supply the reaction gas at a second flow rate, via second nozzle **34** and **34a** wherein the second nozzle are provided on side walls of the chamber above the wafer (page 3, paragraph [0025]), after the step (a), while continuing to supply the reaction gas at the first flow rate (page 3, paragraph [0028], page 4, paragraphs [0035]-[0038] and **FIG. 3**),

Nozzles **56** and **64** positioned over the center of the substrate **20** inherently producing the film on the center region,

wherein the formation of the oxide film is initiated from the center region of the wafer in the above step (a), and the oxide film is formed on the whole of the wafer in step (b).

Li does not explicitly disclose that the step (b) is carried out 1 to 10 seconds after the step (a) is carried out as recited in the Applicant's claimed invention.

However, there is no evidence indicating the starting time range and the flow rate ranges is critical and it has been held that it is not inventive to discover the optimum or workable range of a result-effective variable within given prior art conditions by routine experimentation. See MPEP § 2144.05. Note that the specification contains no disclosure of either the critical nature of the claimed dimensions of any unexpected results arising there from. Where patentability is aid to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

In re claim 9, Li does not explicitly disclose wherein the first flow rate is in a range of one fifth to one tenth of the second flow rate and wherein the step (b) is carried out 1 to 10 seconds after the step (a) is carried out.

However, there is no evidence indicating the starting time and the flow rate ranges is critical and it has been held that it is not inventive to discover the optimum or workable range of a result-effective variable within given prior art conditions by routine experimentation. See MPEP § 2144.05. Note that the specification contains no disclosure of either the critical nature of the claimed dimensions of any unexpected results arising there from. Where patentability is aid to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

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In re claims 10 and 11, Li discloses the reaction gas is a compound gas containing Si and wherein the reaction gas is one of SiH_4 and SiF_4 (page 3, paragraph [0028]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D. Nguyen whose telephone number is (571) 272-1865. The examiner can normally be reached on Monday-Friday (8:30 AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (571) 272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K.N.
June 02nd, 2005



**W. DAVID COLEMAN
PRIMARY EXAMINER**